

Attorney Docket: 030351
U.S. Application No.: 10/720,956 Examiner: Lim Art Unit: 2153
Response to July 31, 2007 Office Action

REMARKS

In response to the Office Action dated July 31, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Objections to the Title

The Office objected to the originally-presented Title. This response amends the Title to "Methods, Systems, and Products for Providing Communications Services Amongst Multiple Providers."

Objections to the Specification

The Office also objected to paragraphs [0002] through [0009] for missing serial numbers. These paragraphs have been amended to include the corresponding serial numbers.

Rejection of Claim 20 Under § 112

The Office rejected claim 20 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 20, however, has been amended and now fully complies with the patent laws.

Rejection of Claims Under § 103 (a)

The Office rejected claims 1-20 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 6,978,308 to Boden, *et al.* in view of U.S. Patent Application Publication 2002/0073182 to Zakurdaev, *et al.*

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Claims 1-20, however, cannot be obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Boden* and *Zakurdaev*. Independent claim 1, for example, recites “receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service.” This feature was originally presented by dependent claim 7 and has now been incorporated into independent claim 1. Support for such features may be found in the as-filed application at paragraphs [0014] and [0023]. Independent claim 1 is reproduced below, and independent claims 12 and 20 recite similar features.

[c01] A method of providing communications services, comprising:

discovering, at a client device, multiple communications networks available to the client device;

communicating a request for communications service from the client device to a service provider, the service provider providing access to at least one of the multiple communications networks;

negotiating, at the client device, with the at least one service provider for access to at least one of the multiple communications networks;

receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service; and

receiving communications service from the at least one service provider via at least one of the multiple communications networks.

Boden and *Zakurdaev* cannot obviate at least these features. *Boden* discloses methods for automatically establishing nested tunnel connections to an enterprise server. See U.S. Patent 6,978,308 to *Boden, et al.* at column 1, lines 39-44. See also *id.* at column 3, lines 40-45. The device endpoints, or “nodes,” negotiate to set-up an inner tunnel within an outer tunnel. *Id.* at column 2, lines 25-31. “Once a nesting relationship has been established ..., it is automatically maintained as [security associations] refreshes occur.” *Id.* at column 4, lines 32-34. “That is, as new SA’s are negotiated, the logical relationship ... is transparently maintained.” *Id.* at column 4, lines 34-37. *Zakurdaev* discloses a proxy server that receives all I.P. address requests. U.S. Patent Application Publication 2002/0073182 to *Zakurdaev, et al.* at paragraph [0012]. See also

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id. at paragraph [0024]. “One purpose of the [request] is to request an I.P. address of the ISP that is to provide Internet access service to the user.” See *id.* at paragraph [0024]. The proxy server maps the user’s equipment to an Internet Service Provider. See *id.* at paragraphs [0014] and [0026].

Still, though, *Boden* and *Zakurdaev* cannot obviate the independent claims. First, despite the Office’s assertions, *Boden* and *Zakurdaev* fail to teach or suggest “*discovering, at a client device, multiple communications networks available to the client device*” (emphasis added). The Office asserts that *Zakurdaev* teaches this feature, but the Assignee must, very respectfully, disagree. *Zakurdaev* makes absolutely no teaching or suggestion of “*discovering ... multiple communications networks available to the client device.*” When *Zakurdaev* is properly interpreted, *Zakurdaev* only discloses accessing a single, known ISP. As *Zakurdaev* explains, when a user’s terminal needs the I.P. address of its ISP, the user terminal’s NIC sends a “DHCDISCOVER” signal to a gateway. *Zakurdaev*, at paragraph [0024]. The gateway forwards the “DHCDISCOVER” signal to the proxy server. *Id.* at paragraph [0025]. The proxy server determines the corresponding address of the user’s ISP and forwards the “DHCDISCOVER” signal to the ISP. *Id.* at paragraph [0026]. So, the proposed combination of *Boden* and *Zakurdaev* does not teach or suggest “*discovering ... multiple communications networks,*” as the Office mistakenly alleges. The proposed combination of *Boden* and *Zakurdaev*, instead, only teaches a single communications network. The proposed combination of *Boden* and *Zakurdaev*, then, cannot obviate independent claims 1, 12, and 20.

Moreover, the independent claims recite additional, distinguishing features. Independent claims 1, 12, and 19 also recite “*receiving, at the client device, a bid from the at least one service provider to fulfill the request for communications service.*” The Office asserts that this feature would have been obvious in view of *Boden* and *Zakurdaev*, but the Assignee cannot agree. Even though *Boden* discloses a negotiation to set-up an inner tunnel within an outer tunnel, this teaching is wholly unrelated and not analogous to “*receiving ... a bid from the at least one service provider to fulfill the request for communications service.*” As the above paragraphs explained, *Boden* negotiates to establish nested logical tunnels between network nodes. See U.S.

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Patent 6,978,308 to Boden, *et al.* at column 2, lines 25-31. *Boden* negotiates "security associations" along these tunnels. *Id.* at column 4, lines 32-34. *Boden's* "negotiations," then, are not a "*bid from the at least one service provider to fulfill the request for communications service.*" The proposed combination of *Boden* and *Zakurdaev*, then, cannot obviate independent claims 1, 12, and 20.

The Assignee must also, respectfully, disagree with other assertions in the Office Action. The Office asserts that dependent claims 7-11 would have been obvious in view of *Boden* and *Zakurdaev*, but the Assignee cannot agree. As the Assignee above explains, *Boden* negotiates "security associations" along these tunnels. One of ordinary skill in the art, then, would not think that claims 7-11 are obvious. *Boden's* "negotiations," for example, cannot obviate "*comparing the bid to other bids received from other service providers*" (dependent claim 7) or "*communicating a competitive indication of the multiple communications networks that are available to the client communications device*" (dependent claim 9). *Borden*, likewise, fails to teach or suggest "*communicating at least one of i) a price above which communications service will be denied, ii) a date by which the request for communications service should be fulfilled, iii) a time by which the request for communications service should be fulfilled, and iv) formatting for the requested communications service,*" as recited by dependent claim 10. *Borden* also fails to teach or suggest "*receiving at least one of i) a price for utilizing the at least one multiple communications networks, ii) a date that the request for communications service will be fulfilled, and iii) a time that the request for communications service will be fulfilled*" (dependent claim 11).

Other dependent claims recite additional, distinguishing features. Dependent claim 3, for example, recites "*dynamically discovering, with at least one of each data upload and with each data download* the multiple communications networks available to a client communications device" (emphasis added). Support may be found in paragraph [0028] of the as-filed application. Dependent claim 5 recites "*dynamically discovering, according to a schedule*, the multiple communications networks available to a client communications device" (emphasis added). Support may also be found in paragraph [0028] of the as-filed application. Dependent claim 6

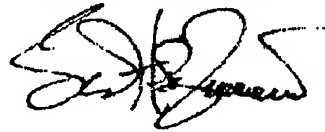
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recites "*dynamically discovering the multiple communications networks when global positioning system coordinates indicate a change of "n" units*" (emphasis added). Support may also be found in paragraph [0028] of the as-filed application. The proposed combination of *Boden* and *Zakurdaev* is silent to all these features.

Claims 1-20, then, cannot be obvious. Independent claims 1, 12, and 19 recite many features that are not taught or suggested by *Boden* and *Zakurdaev*. The dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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